Remarks:

Responsive to the Official Action mailed August 15, 2006, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1, 3-13 and 15 in view of the above-noted amendments and the following remarks.

The Examiner has again states that the oath or declaration is defective because it does not identify the mailing address (including zip code) and residence of each inventor. The Examiner goes on to state that this information can be provided on an Application Data Sheet.

Applicants submit that a proper Data Sheet was filed with the Application and was also filed with Amendment A on June 2, 2006. There are three inventors named in the application, Mr. Danny R. Hessert, Mr. Tracy E. Kucaba and Mr. Richard H. Schulz. The mailing address and residence of each of the inventors is provided in the Data Sheet. A copy of that Data Sheet is attached for the Examiner's review and entry in the Application file. It is respectfully requested that the undersigned be contacted in the event that there is any issue with respect to the information on the Data Sheet.

Next, the Examiner has rejected claims 1, 5-9, 11-13 and 15 under 35 U.S.C. 103(a) as unpatentable over Bachmann in view of Ota, both of which were discussed in detail in previous Actions and Amendments. The Examiner's position is that, among other things, the suction side of the ink cup is in flow communication with the pump such that the pump draws ink from the cup to create a negative pressure within the cup and such that the negative pressure within the cup draws ink from the reservoir to the cup. The Examiner also concedes that Bachmann fails to disclose a viscosity controller in flow communication with the pump, and a configuration in which the viscosity controller is at an elevation lower than that of the ink cup.

The Examiner then cites to Ota for its alleged teaching of a delivery system including a reservoir, a pump and a viscosity/temperature controller, and concludes that it would have been obvious to one skilled in the art to modify Bachmann to lower the position the reservoir below the ink cup (citing well known hydraulic principles) and to modify Bachmann to include the Ota viscosity controller to increase the functionality of the Bachmann machine.

Applicant takes issue with a number of the Examiner's contentions. First, however,

Applicant would like to point out that claims 1 and 9 have been amended to point out that the negative pressure in the ink cup is less than atmospheric pressure. Support for this amendment is provided in paragraph 0027 of the specification.

With respect to the art of record, and specifically the Bachmann patent, Applicant submits that the Examiner reads far too much into this patent. The Examiner has taken the position that Bachmann teaches creating a negative pressure in the ink cup (and means for creating a less than atmospheric pressure in the ink cup) and has also concluded (without any citations to art) that it would have been obvious to one skilled in the art to lower the elevation of the viscosity controller (again to reduce over pressurization) relative to the ink cup.

Applicant submits that the Examiner's reading of Bachmann makes far too many assumptions and fails to look at that document as a whole. Admittedly, Bachmann discusses the desirability to prevent over pressurization and to that end, employs a vent opening (9) in the ink cup cover wall (1a). The vent is thus open to atmosphere. The Examiner then states that the existence of a pump (56) in the Bachmann system in an of itself creates a negative pressure in the ink cup. However, this is completely contrary to the fact that there is an atmospheric vent in the cup. Thus, even with the pump drawing ink from the cup, the cup will remain at atmospheric pressure by virtue of the vent being open to atmosphere. Thus, Bachmann cannot be read to disclose a negative pressure in the ink cup.

As to the claimed height differential between the ink cup and the viscosity controller, again, it is Applicant's position that there is nothing in the Bachmann patent that would suggest this modification, and more importantly, there is nothing in the Bachmann patent that would provide an impetus to one skilled in the art to make such a modification. That is, there is nothing that suggests the desirability of perhaps adjusting relative heights or locating the components of the system to prevent gravity from overfeeding the system. Nor is there any motivation provided for doing so. As such, it is only with 20-20 hindsight that the Examiner has brought together the various components of the claimed structure and "found" justification for putting these components together, with the requisite "well-known" viscosity monitoring and elevational advantaged arrangement to assert that the claimed invention would have been obvious to one skilled in the art.

Accordingly, Applicant submits that the art of record fails to disclose the claimed invention, and that the art as a whole fails to suggest or teach and fails to provide the motivation for one skilled in the art to the make the changes necessary to render the claimed invention obvious. To this end, Applicant respectfully requests that the Examiner withdraw these bases for rejection of the present claims and allow this application to progress to issue.

Should here be any questions or concerns in connection with the present submittal, it is respectfully requested that the undersigned be contacted.

Respectfully submitted,

By _____
Mitchell J. Weinstein
Reg. No. 37,963

October 6, 2006
LEVENFELD PEARLSTEIN, LLC
2 N. LaSalle Street
Suite 1300
Chicago, Illinois 60602
(312) 476-7593 Telephone
(312) 346-8434 Facsimile
mweinstein@lplegal.com